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10	Attorneys for LEXINGTON INSURANCE COMPANY, INSURANCE COMPANY OF THE STATE			
11	OF PENNSYLVANIA and CHARTIS CLAIMS, INC.			
12	UNITED STATES DISTRICT COURT			
13	NORTHERN DISTRICT OF CALIFORNIA			
14	SAN FRANCISCO DIVISION			
15	AMERICAN STEEL & STAIRWAYS, INC.;) Case No. 12 cv 3103 SI			
16	AMERICAN STEEL & STAIRWAYS, INC.; MARTIN VOLLRATH, an individual; and)		
17	THOMAS VOLLRATH, an individual,) [The Honorable Susan Illston]		
18	Plaintiffs,	STIPULATION AND ORDER TO CONTINUE HEARING DATE OF		
	v.	CHARTIS CLAIMS, INC.'S MOTION TO		
19 20	LEXINGTON INSURANCE COMPANY, a Delaware corporation; INSURANCE	dismiss		
21	COMPANY OF THE STATE OF PENNSYLVANIA, a Pennsylvania))		
22	corporation; CHARTIS CLAIMS, INC., a Delaware corporation; and DOES 1 through			
23	100, inclusive,))		
24	Defendants.)		
25	Pursuant to Civil Local Rules 7-7(b)((1) 6-1 and 6-2 for the Northern District of		
26	Pursuant to Civil Local Rules 7-7(b)(1), 6-1 and 6-2 for the Northern District of			
27	California, Plaintiffs American Steel & Stairways, Inc., Martin Vollrath and Thomas Vollrath (collectively, "Plaintiffs") and Defendant Chartis Claims, Inc. (collectively, with Plaintiffs, the			
28	(concenvery, Framilias) and Detendant Charles Claims, Inc. (conectivery, with Framilias, the			
40	1 STIPULATION AND [PROPOSED] ORDER CONTINUING HEARING DATE OF CHARTIS CLAIMS, INC.'S			
	MOTION TO DISMISS			

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1	"Parties"), by their undersigned attorneys, hereby stipulate and agree as follows:		
2	WHEREAS, Plaintiffs filed a complaint in San Mateo County Superior Court on April		
3	16, 2012 and Defendants Lexington Insurance Company, the Insurance Company of the State of		
4	Pennsylvania and Chartis Claims, Inc. ("Chartis Claims") removed the case to Federal Court on		
5	June 15, 2012;		
6	WHEREAS, Chartis Claims filed a Motion to Dismiss Pursuant to Federal Rule of Civil		
7	Procedure 12(b)(6) on June 22, 2012;		
8	WHEREAS, Plaintiffs filed their Opposition to Chartis Claims' Motion to Dismiss on		
9	July 6, 2012;		
10	WHEREAS, Chartis Claims' filed its reply on July 20, 2012;		
11	WHEREAS, the hearing on Chartis Claims' Motion to Dismiss is currently scheduled for		
12	August 24, 2012 at 9:00 a.m.;		
13	WHEREAS, the Parties have agreed to continue the hearing date to September 21, 2012		
14	at 9:00 a.m.;		
15	WHEREAS, there has been no prior modification of the hearing date by the Parties;		
16	WHEREAS, none of the Parties will be prejudiced by the modification of the hearing		
17	date;		
18	NOW, THEREFORE, the Parties hereby stipulate to continue the hearing date for Chartis		
19	Claims' Motion to Dismiss Pursuant to Federal Rules of Civil Procedure 12 to September 21,		
20	2012 at 9:00 a.m.		
21	IT IS SO AGREED AND STIPULATED.		
22	DATED: August 17, 2012		
23	SEDGWICK LLP WILLOUGHBY, STUART & BENING		
24	By: <u>/s/ Diana L. Geseking</u> By: <u>/s/ Alexander F. Stuart</u>		
25	Diana L. Geseking Alexander F. Stuart		
26	Traci M. Ribeiro (<i>pro hac vice</i>) Smita Mokshagundam (<i>pro hac vice</i>) San Jose, CA 95113		
27	One North Wacker Drive, Suite 4200 Telephone: 408-289-1972		
28	Chicago, IL 60606 Facsimile: 408-295-6375		
	2 STIPULATION AND [PROPOSED] ORDER CONTINUING HEARING DATE OF CHARTIS CLAIMS, INC.'S		

MOTION TO DISMISS

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1 2 3 4 5 6	Telephone: 312-641-9050 Facsimile: 312-641-9530 Attorneys for Defendants LEXINGTON INSURANCE COMPANY, INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA and CHARTIS CLAIMS, INC.	Attorneys for Plaintiffs AMERICAN STEEL & STAIRWAYS, INC., MARTIN VOLLRATH and THOMAS VOLLRATH
7 8	IT IS SO ORDERED.	Suran Illaton
9		ONORABLE SUSAN ILLSTON NITED STATES DISTRICT COURT JUDGE
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5 6 7 8 9	TRACI M. RIBEIRO (pro hac vice) SMITA MOKSHAGUNDAM (pro hac vice) DIANA L. GESEKING (SBN 252860) SEDGWICK LLP One North Wacker Drive, Suite 4200 Chicago, IL 60606-2841 Telephone: (312) 641-9050 Facsimile: (312) 641-9530 diana.geseking@sedgwicklaw.com		
10 11	Attorneys for LEXINGTON INSURANCE COMPANY, INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA and CHARTIS CLAIMS, INC.		
12	UNITED STATES DISTRICT COURT		
13	NORTHERN DISTRICT OF CALIFORNIA		
14	SAN FRANCISCO DIVISION		
15			
16	AMERICAN STEEL & STAIRWAYS, INC.; MARTIN VOLLRATH, an individual; and THOMAS VOLLRATH, an individual,))) Case No. 12 cv 3103 SI	
17	Plaintiffs,) [The Honorable Susan Illston]	
18	V.) CERTIFICATE OF SERVICE	
19	LEXINGTON INSURANCE COMPANY, a		
20	Delaware corporation; INSURANCE COMPANY OF THE STATE OF		
21	PENNSYLVANIA, a Pennsylvania corporation; CHARTIS CLAIMS, INC., a))	
22	Delaware corporation; and DOES 1 through 100, inclusive,))	
23	Defendants.		
24		,	
25	I am familiar with the United States District Court, Northern District of California's		
26	practice for collecting and processing electronic filings. Under that practice, the following		
27	document was electronically filed with the court on August 17, 2012:		
28			
	1		
	CERTIFICATE OF SERVICE		

1. STIPULATION AND [PROPOSED] ORDER TO CONTINUE HEARING 1 DATE OF CHARTIS CLAIMS, INC.'S MOTION TO DISMISS 2 3 The Court's CM/ECF system will generate a Notice of Electronic Filing (NEF) to the 4 filing party, the assigned judge, and any registered users in the case. The NEF will constitute 5 service of the document(s). Registration as a CM/ECF user constitutes consent to electronic 6 service through the Court's transmission facilities. Under said practice, the following CM/ECF 7 users were served: 8 Alexander F. Stuart COUNSEL FOR PLAINTIFFS AMERICAN STEEL & STAIRWAYS, INC., MARTIN WILLOUGHBY, STUART & BENING 9 50 W. San Fernando Street, Suite 400 VOLLRATH and THOMAS VOLLRATH 10 San Jose, CA 95113 Telephone: 408-289-1972 11 Facsimile: 408-295-6375 afs@wsblaw.net 12 I declare under penalty of perjury under the laws of the United States of America that the 13 foregoing is true and correct. 14 Executed on August 17, 2012, at Chicago, Illinois. 15 16 /s/ Diana L. Geseking 17 Diana L. Geseking 18 19 20 21 22 23 24 25 26 27 28